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VIA HAND DELIVERY

Hon. Kim Beals, Pre-Arbitration Officer
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN. 37238

Re: Docket Nos. 00-00523, 03-00585 (consolidated)

Dear Ms. Beals:

Enclosed please two originals and fourteen copies of the Coalition's "Response In Opposition to Motion Regarding CMRS Providers' First Set of Interrogatories" to be filed in the above-referenced proceedings.

Copies of the "Preliminary Motion To Dismiss Or, In The Alternative, To Add An Indispensable Party" are being provided to each of the parties, as indicated on the attached Certificate of Service. Please direct any questions regarding this filing to me at your convenience.

Sincerely yours,

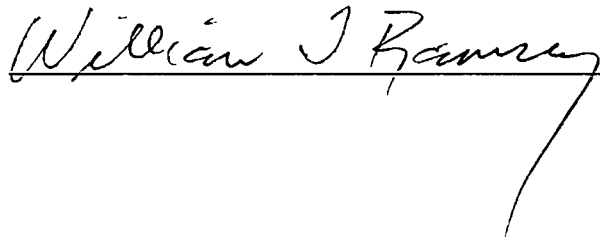


William T. Ramsey

cc: Hon. Ron Jones, Director

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing has been served on the parties of record indicated below via U.S. Mail and via electronic mail.

A handwritten signature in black ink, reading "William J. Ramsey", is written over a horizontal line. A long, sweeping vertical stroke extends downwards from the end of the signature.

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**BEFORE THE
TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:

Generic Docket Addressing Rural Universal Service)	Docket No. 00-00523
)	
Petition of Celco Partnership d/b/a Verizon Wireless)	Docket No. 03-00585
for Arbitration under the Telecommunications Act)	
)	

**RESPONSE IN OPPOSITION TO MOTION REGARDING
CMRS PROVIDERS' FIRST SET OF INTERROGATORIES**

on behalf of

**Ardmore Telephone Company, Inc.
Ben Lomand Rural Telephone Cooperative, Inc.
Bledsoe Telephone Cooperative
CenturyTel of Adamsville, Inc.
CenturyTel of Claiborne, Inc.
CenturyTel of Ooltewah-Collegedale, Inc.
Concord Telephone Exchange, Inc.
Crockett Telephone Company, Inc.
DeKalb Telephone Cooperative, Inc.
Highland Telephone Cooperative, Inc.
Humphreys County Telephone Company
Loretto Telephone Company, Inc.
North Central Telephone Cooperative, Inc.
Peoples Telephone Company
Tellico Telephone Company, Inc.
Tennessee Telephone Company
Twin Lakes Telephone Cooperative Corporation
United Telephone Company
West Tennessee Telephone Company, Inc.
Yorkville Telephone Cooperative**

"The Coalition of Small LECs and Cooperatives"

**BEFORE THE
TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:

Generic Docket Addressing Rural Universal Service)	Docket No. 00-00523
)	
Petition of Cellco Partnership d/b/a Verizon Wireless)	Docket No. 03-00585
for Arbitration under the Telecommunications Act)	
)	

**RESPONSE IN OPPOSITION TO MOTION REGARDING
CMRS PROVIDERS' FIRST SET OF INTERROGATORIES**

The Rural Independent Coalition (hereafter referred to as the "Coalition" or the "Independents") submits the following Response in Opposition to Motion Regarding CMRS Providers' First Set of Interrogatories:

STATEMENT OF THE CASE

On March 2, 2004, the TRA entered an Order setting forth the procedural schedule in this matter. See Order Establishing Procedural Schedule (Mar. 2, 2004). In that Order, the parties were required to file and serve discovery requests by March 19, 2004. Id. Parties are required to file and serve responses and objections to those discovery requests by March 29, 2004. Id.

On March 19, 2004, the CMRS Providers served discovery requests to be answered by each of the individual members of the Coalition. See First Set of Interrogatories of the CMRS Providers Directed to Each of the Members of the Rural Coalition of Small LECs and Cooperatives (hereinafter "Interrogatories").¹ Those discovery requests have 38 numbered requests, but many of the requests have subparts. See id. A conservative count of the requests and all subparts results in the CMRS providers submitting 58 discovery requests to each individual member of the coalition. See id. This number is, of course, in excess of the 40

¹ The requests are labeled "Interrogatories," but also include requests for production within the requests

request limit set forth in the TRA's procedural rules. See Tenn. Reg. Auth. R. 1220-1-2-.11(5)(a).

ARGUMENT

I. THE TRA SHOULD DENY THE CMRS PROVIDERS' MOTION TO PROPOUND MORE THAN 40 DISCOVERY REQUESTS ON THE INDIVIDUAL MEMBERS OF THE COALITION.

Under the rules of the TRA, parties may not submit more than 40 discovery requests, including subparts, to another party without first obtaining leave of the TRA or a Hearing Officer to exceed the limit. See Tenn. Reg. Auth. R. 1220-1-2-.11(5)(a). That motion must set forth the additional requests Id. The motion must also be accompanied by a memorandum establishing good cause for the service of additional requests. Id.

The CMRS providers served a motion with the service of their discovery requests. At no point in the motion did the CMRS providers set forth the additional requests as required by the rules. See Motion Regarding CMRS Providers' First Set of Interrogatories (hereinafter "Motion"). Rather, the CMRS providers obscured their excessive requests as unnumbered subparts within their 38 numbered requests. See Interrogatories. They then filed a perfunctory motion that asked to exceed 40 requests "to the extent" their requests "are deemed to exceed the Authority's prescribed limits." See Motion at 1-2. There can be no question that a straightforward look at the Interrogatories shows that they exceed 40 requests.

Moreover, the CMRS providers have not established good cause for the service of more than 40 discovery requests. They make the conclusory statement that it is reasonable and appropriate to allow them to serve more than 40 requests, but do not provide any real reason for that conclusion. See Motion at 1-2. They also suggest that their request is "supported by sound precedent," but do not cite any such precedent. See Motion at 2.

The CMRS providers' failure to establish good cause for exceeding 40 requests must also be considered in the context of the extremely shortened time period for responding to such requests. The TRA, at the request of the CMRS providers, ordered expedited discovery, giving parties only 10 days to respond to discovery requests. The TRA should not allow expedited discovery at the request of the CMRS providers and then also allow them to serve requests in excess of the 40 request limit set forth in the TRA's rules.

CONCLUSION

For the foregoing reasons, the Coalition respectfully requests that the TRA deny the CMRS providers' motion requesting to serve discovery requests in excess of 40.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing has been served on the parties of record indicated below via U.S. Mail and via electronic mail on this the 26th day of March, 2004.

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